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From: William C. Geary III

Direct Dial: 617-439-2766

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RECIPIENT	COMPANY	FAX NO.	PHONE NO.
Examiner MIKE PEFFLEY	USPTO	703-872-9306	

COMMENTS:

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Dated: December 6, 2004

Signature:

(William C. Geary III)

In re Application of: Albert S. Lee et al.

Application No.: 09/824,625

Filed: April 2, 2001

For: METHODS AND APPARATUS FOR
THERMALLY AFFECTING TISSUES

Notice of Allowance

Dated: October 4, 2004

Group Art Unit: 3739

Examiner: M. F. Peffley

Please see the attached Communication together with a copy of a previously submitted Information Disclosure Statement and a return postcard date-stamped by the United States Patent and Trademark Office for the above referenced patent application.

STATEMENT OF CONFIDENTIALITY

The documents included with this facsimile transmittal sheet contain information from the law firm of Nutter McClennen & Fish LLP which is confidential and/or privileged. The information is intended to be for the use of the addressee named on this transmittal sheet. If you are not the addressee, note that any disclosure, photocopying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone (collect) immediately so that we can arrange for the retrieval of the original documents at no cost to you.

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Client-Matter No. 22727-66

Nutter McClennen & Fish LLP ■ Attorneys at Law

World Trade Center West ■ 155 Seaport Blvd. ■ Boston, MA 02210-2804 ■ 617-439-2000 ■ Fax: 617-310-9000 ■ www.nutter.com

PAGE 1/7 * RCVD AT 12/6/2004 3:25:06 PM [Eastern Standard Time] * SVR:USPTO-EFAXRF-1/3 * DNIS:8729306 * CSID:01116173109000 * DURATION (mm-ss):02-08

Certificate of Facsimile Transmittal (37 C.F.R. 1.8(a))

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Dated: December 6, 2004

Signature:


(William C. Geary III)

Docket No.: 022727-0066

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Albert S. Lee et al.

Application No.: 09/824,625

Filed: April 2, 2001

For: METHODS AND APPARATUS FOR
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Dated: October 4, 2004 RECEIVED
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Group Art Unit: 3739

DEC 06 2004

Examiner: M. F. Peffley

COMMUNICATION

Attn: Examiner M. Peffley
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that the Examiner acknowledge that the references cited in the Information Disclosure Statement (IDS) filed on January 9, 2001 were considered during prosecution of the above-referenced patent application and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. A copy of the IDS, PTO/SB/08A (2 pages) as filed on January 9, 2002 and the return postcard date-stamped by the U.S. Patent and Trademark Office is enclosed for the Examiner's convenience.

Pursuant to a telephone conversation today between the Examiner and the undersigned Attorney, Applicants respectfully request that the Examiner fax a copy of the initialed 1449 form to the undersigned attorney for Applicant.


Please call the undersigned attorney with any questions.

Date: December 6, 2004

NUTTER MCCLENNEN & FISH LLP
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Tel.: (617) 439-2000
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Respectfully submitted,

By 
William C. Geary III
Registration No.: 31,359
Attorney for Applicant

Atty Docket No.: 22727-66

Inventor: Albert S. Lee et al.

Application No.: 09/824,625-8907 Filing Date: April 2, 2001

Title: Methods and Apparatus For Thermally Affecting Tissue

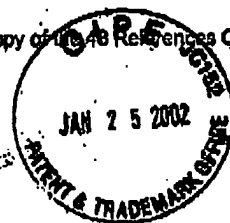
The Following, DUE _____ In the U.S.P.T.O., was received in Mail Room on the date stamped hereon:

Documents Filed:

Inf. Disc. Statement, PTO Form PTO/88/08 and a copy of the References Cited Therein

Copy of International Search Report

Cert. of Mailing under 37 CFR 1.8 (a)



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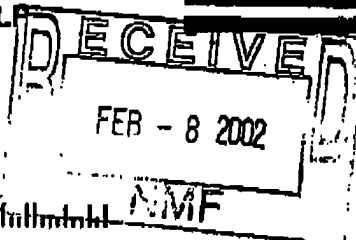
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: 1-9-02Signature: Herbert A. Newborn
(Herbert A. Newborn)Docket No.: 022727-0066
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Albert S. Lee, et al.

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Application No.: 09/824,625-8907

Group Art Unit: 3762

DEC 06 2004

Filed: April 2, 2001

Examiner: Not Yet Assigned

For: METHODS AND APPARATUS FOR
THERMALLY AFFECTING TISSUE

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for
Patents
Washington, DC 20231

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned.

A copy of an International Search Report and a copy of each reference on PTO/SB/08 is attached.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an

Application No. 09/824,625-8907

2

Docket No. 022727-0066

admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 022727-0066. A duplicate copy of this paper is enclosed.

Dated: Jan. 9, 2002

Respectfully submitted,

By Herbert A. Newborn

Herbert A. Newborn

Registration No.: 42,031

NUTTER, MCLENNEN & FISH, LLP

One International Place

Boston, Massachusetts 02110-2699

(617) 439-2407

Attorneys for Applicant

1022852.1

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PTO/SB/08B (08-00)

Approved for use through 10/31/2002, OMB 0851-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO		Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/824,625-8907
		Filing Date	April 2, 2001
		First Named Inventor	Albert S. Lee
		Group Art Unit	3762
		Examiner Name	Not Yet Assigned
Sheet	1	of	2
		Attorney Docket Number	022727-0066

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
	A	3,320,414		Bowland	05-16-1967
	B	3,604,674		Swenson et al	04-07-1970
	C	3,736,936		Basilius et al	08-05-1973
	D	3,776,241		Magilton et al	12-04-1973
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	G	4,781,193		Pagden et al.	11-01-1988
	H	5,207,674		Hamilton	05-04-1993
	I	5,304,214		DeFord et al	04-19-1994
	J	5,306,319		Saito et al	01-10-1996
	K	5,429,582		Williams	07-04-1996
	L	5,474,593		Ward et al	12-12-1995
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	O	5,607,443		Kieturakis et al	03-04-1997
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	Q	5,524,392		Saab	04-29-1997
	R	5,643,207		Rise	07-01-1997
	S	5,716,396		Ward et al	02-10-1998
	T	5,730,756		Kieturakis et al	03-24-2001
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	W	5,871,498		Jervis et al	02-16-1999
	X	5,916,212		Baust et al	06-29-1999
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	AB	6,015,382		Zwart et al	01-18-2000
	AC	6,015,421		Echeverry et al	01-18-2000
	AD	6,022,308		Williams	02-08-2000
	AE	6,045,532		Eggers et al	04-04-2000
	AF	6,051,019		Dobak, III	04-18-2000
	AG	6,073,051		Sharkey et al	06-06-2000
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	AO	6,251,129 B1		Dobak, III et al.	06-26-2001
	AP	6,251,130 B1		Dobak, III et al	06-26-2001

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PTO/SB/083 (08-00)

Approved for use through 10/31/2002 OMB 0861-0031

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/824,825-8907
		Filing Date	April 2, 2001
		First Named Inventor	Albert S. Lee
		Group Art Unit	3762
		Examiner Name	Not Yet Assigned
Sheet	2	of	2
		Attorney Docket Number	022727-0086

FOREIGN PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	AQ	WO 99/34758	07/15/1999	Lesser et al.		

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 601.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AR	Fay, T. "Early Experiences with Local and Generalized Refrigeration of the Human Brain," <i>J. Neurosurg.</i> , 16:239-60(1969).	
	AS	Connolly, J.E., et al., "The Protective Effect of Hypothermia in Cerebral Ischemia: Experimental and Clinical Application by Selective Brain Cooling in the Human," <i>Surgery</i> , 71:15-24(1962).	
	AT	Kindt, G.W. and Youmans, J.R., "Regional Hypothermia Produced by Cooling the Blood within the Intact Artery," <i>Surgical Forum</i> , 17:408-7(1966).	
	AU	Locke, G.E., et al., "Profound Selective Arterial Cooling of Brain without Pump or Oxygenator," <i>Surgical Forum</i> , 16:421-22 (1966).	
	AV	Negrin, J., "The Hypothermostat: An Instrument to Obtain Local Hypothermia of the Brain or Spinal Cord," <i>International Surgery</i> , 54(2):93-106(1970, Aug).	

Examiner Signature	Date Considered
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached